

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID WILLIAM WUCO,

Plaintiff,

v.

JOHN DOE, et al.,

Defendants.

Case No.: 1:23-cv-00572-KES-SKO (PC)

**ORDER REGARDING PLAINTIFF'S
REQUEST OF MARCH 28, 2025**

(Doc. 19)

Plaintiff David William Wuco is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

I. BACKGROUND

On October 3, 2023, Plaintiff filed his first amended complaint. (Doc. 14.) On September 13, 2024, this Court issued Findings and Recommendations to Dismiss Certain Claim. (Doc. 16.) The undersigned recommended this action proceed on Plaintiff's Eighth Amendment excessive force claim against John Doe, and Eighth Amendment deliberate indifference to serious medical needs claims against John Doe and Jane Doe, with the remaining claim to be dismissed. (*Id.* at 3-8.) Plaintiff was warned that any objections were due within 14 days. (*Id.* at 8.) Plaintiff did not file objections. Those Findings and Recommendations remain pending resolution before District Judge Kirk E. Sherriff.

II. DISCUSSION

In his filing of March 28, 2025, Plaintiff states he wants to amend his “claim to state that [he is] seeking ‘\$280,000.00 in [punitive] damages as well as anything the Court deems appropriate as compensation.’” He states he does not “want to change anything else,” but needs a “copy of [his] claim to cite.” Further, Plaintiff asserts he does not have the funds to pay for the copy and asks the Court to provide “a phone number to give [his] family” so they may make the copy request on his behalf. (*See* Doc. 19.)

First, the Clerk’s Office generally provides copies at a cost of \$0.50 per page. However, the Court will direct the Clerk of the Court to send Plaintiff a copy of his first amended complaint as a *one-time courtesy*.

Second, Plaintiff is advised that Rule 15 of the Federal Rules of Civil Procedure pertains to amended pleadings. Plaintiff should consult Rule 15 before submitting any amended complaint to ensure compliance with that rule. Further, this Court’s Local Rule 220 also applies. The Local Rules can be accessed online at <https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.

Next, as noted above, following screening of Plaintiff’s first amended complaint, the undersigned issued Findings and Recommendations on September 13, 2024, recommending this action proceed only on Plaintiff’s Eighth Amendment excessive force claim against John Doe, and Eighth Amendment deliberate indifference to serious medical needs claims against John Doe and Jane Doe, and that Plaintiff’s Eighth Amendment excessive force claim against Jane Doe be dismissed. (*See* Doc. 16.) As Plaintiff was previously advised, Judge Sherriff will issue an order, either adopting the undersigned’s recommendations or declining to do so. (*See* Doc. 18 at 2-3.) Until Judge Sherriff’s order issues, an amended complaint is premature.

Lastly, Plaintiff is reminded that an amended complaint supersedes the original complaint. *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012). Therefore, an amended complaint must be “complete in itself without reference to the prior or superseded pleading.” Local Rule 220. And, assuming Plaintiff seeks to file an amended complaint in the future, any second amended complaint would be subject to additional screening pursuant to 28 U.S.C. § 1915A(a).

III. CONCLUSION AND ORDER

For the foregoing reasons, the Court **HEREBY ORDERS:**

1. The Clerk of the Court is directed to send Plaintiff a copy of his first amended complaint (Doc. 14) as a one-time courtesy; and
2. Plaintiff's request of March 28, 2025 (Doc. 19) is resolved.

IT IS SO ORDERED.

Dated: **April 2, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE